

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA and
WILLIAM B. FREEMAN PRICE,

Plaintiffs,

V.

JOHN E. and SHIRLEY L. PRICE.

Defendants.

Case No. C07-5218FDB

ORDER GRANTING PRICE
DEFENDANTS' MOTION FOR
CONTINUANCE OF TRIAL DATE
TO DECEMBER 7, 2009

The United States brought this cause of action under the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.* On behalf of William B. Freeman Price (no relation to Defendants), whose motion to intervene was granted on September 30, 2008. In granting the motion to intervene, the Court was concerned about the delay in bringing the intervention motion (although the parties had indicated in their JSR that new parties would be added by October 15, 2008), but believed that the current case schedule would accommodate the intervention, and so admonished the parties to work diligently and in good faith to meet the action dates.

It now appears to the Court that the Plaintiffs have been dilatory and not working diligently. This case was filed May 1, 2007. There have been two stipulated continuances since the initial scheduling order (the last July 21, 2008), for the stated reason that settlement discussions were ongoing. Initial disclosures were due August 9, 2007, and Intervenor Claimant has not submitted his, even though Defendants have re-sent their own initial disclosures to Plaintiff and on October 21, 2008 had a telephonic discovery conference regarding initial disclosures: as a result, partial initial

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1 disclosures were provided with the promise of completion by October 30, 2008. Nevertheless, the
2 remainder of the initial disclosures have not been received nor has there been a response to
3 Defendants' request for another telephonic conference. Additionally, for example, on October 2,
4 2008, Defendants sent a stipulation to Claimant to obtain his medical records, but there has been no
5 response from Claimant or the United States. Claimant's medical condition and asserted need for a
6 reasonable accommodation are at issue in this case. The time needed to obtain medical records,
7 review them, retain expert witnesses, and file expert reports is upon the parties, and due dates
8 running from November 17, 2008 to January 15, 2008 are currently scheduled. Depositions of
9 treating physicians and a Rule 35 examination may be desirable. Scheduling with experts may
10 become problematic in November and December. Defendants should not be compromised in their
11 ability to prepare their defense. Accordingly, the Court is convinced that a continuance of the Trial
12 Date approximately six months to December 7, 2009 or other nearby date convenient to the Court's
13 calendar is in order. This continuance should not be taken by the United States and Claimant that
14 they may ignore their duties with respect to initial disclosures and discovery until new action dates
15 are set and then proceed leisurely. Defendants must also remain cognizant of the deadlines.

16 ACCORDINGLY, IT IS ORDERED: Defendants John E. and Shirley L Price's Motion for
17 Continuance of Trial Date is GRANTED, and the Clerk shall reschedule the trial date to December
18 7, 2009 or other nearby date convenient to the Court's calendar and issue a new Scheduling Order
19 setting pretrial action dates. Additionally, IT IS ORDERED that Claimant William B. Freeman Price
20 shall complete submission of his initial disclosures by no later than November 14, 2008.

21 DATED this 6th day of November, 2008



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23 FRANKLIN D. BURGESS
24 UNITED STATES DISTRICT JUDGE
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